

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LEANN SPELL

v.

JAMES HATFIELD, et al.

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CIVIL ACTION NO. 3:21-CV-00719-S

ORDER

On March 29, 2021, Defendants James Hatfield and Debrcik Truck Line Company (“Defendants”) removed this action on the basis of diversity jurisdiction from the 191st Judicial District Court of Dallas County, Texas [ECF No. 1]. On May 13, 2022, Plaintiff LeAnn Spell (“Plaintiff”) filed an Unopposed Motion for Leave to Amend Complaint and Join Additional Party [ECF No. 35]. On May 16, 2022, the Court granted Plaintiff’s Unopposed Motion for Leave to File Amended Complaint and Join Additional Party. *See* ECF No. 39.

In the Second Amended Complaint [ECF No. 41], Plaintiff added D.K. Chapman Transport, LLC as a defendant and alleged that it did business in Dallas, Texas and could be served with process in Texas. *See* ECF No. 41 at 2. Plaintiff’s Second Amended Complaint [ECF No. 41] further predicated subject matter jurisdiction upon diversity of citizenship, 28 U.S.C. § 1332, but failed to properly allege the citizenship of Plaintiff, existing Defendants, and new Defendant D.K. Chapman Transport, LLC. Specifically, Plaintiff failed to allege: (1) each individual’s citizenship as opposed to state of residency; (2) the state of incorporation and principal place of business for any corporate defendant; and (3) the citizenship of all members of D.K. Chapman Transport, LLC. On May 17, 2022, the Court ordered Plaintiff to properly allege the citizenship of all parties and file an amended complaint alleging diversity of citizenship, in conformity with

28 U.S.C. § 1332, within ten days; otherwise, the Court would remand this action to state court. *See* ECF No. 42.

On May 27, 2022, Plaintiff filed a Third Amended Complaint [ECF No. 43]. Plaintiff, again, failed to comply with the Court's Order and further alleged that "[t]he addition of Defendant D.K. Chapman Transport, LLC means that there is no longer complete diversity of citizenship with respect to the parties in this case." *See* ECF No. 43 at 2. The Court further notes that Defendants are unopposed to Plaintiff's Motion for Leave to File Amended Complaint and Join Additional Party. *See* ECF No. 39. Because this Court does not have subject-matter jurisdiction, the case is **REMANDED** to the 191st Judicial District Court of Dallas County, Texas. *See* 28 U.S.C. §§ 1332(a), 1447(e).

SO ORDERED.

SIGNED June 10, 2022.



KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE